**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**CIVIL MISC. WRIT PETITION NO. 3696 (S/S) OF 2001**

**(Old No. 12201 of 1991)**

Smt. Saroj Tamta
Posted as Chief Development Project Officer,
Sittarganj, District Nainital. .....Petitioner

Versus

1. State of U.P. through the Secretary Bal Avam Mahila Kalyan Vibhag, Lucknow.
2. Director, Bal Vibhag Seva Avam Pusthav Yojana U.P., Lucknow.
3. District Officer/ I.C.D.S., Nainital.
4. District Programme Officer, Nainital. .....Respondents

***18.04.2006***

***Sri S.S. Adhikari, Learned counsel for the petitioner.***
***Learned Standing Counsel for the respondents.***

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri S.S. Adhikari, Learned Counsel for the petitioner and Learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has prayed for a writ in the nature of certiorari quashing the order dated 23.02.1991 passed by the Director, Bal Vibhag Seva Avam Pusthav Yojana U.P., Lucknow(respondent No. 2) reverting the petitioner on the post of Mykhiya Sevaka ( Supervisor) in Mahila Kalyan Vibhag, U.P., Lucknow.

No Counter Affidavit has been filed by the respondents.

Submission of learned counsel of the petitioner is that the petitioner was appointed in the year 1982 on the post of Mykhiya Sevaka (Supervisor) in Mahila Kalyan Vibhag, U.P., Lucknow. By Government order dated 30.06.90, 68 new projects were sanctioned by the government in the department. The strength of various posts were also mentioned in the aforesaid notification. Vide order dated 15.11.1990, the petitioner was promoted on ad-hoc basis on the post of Child Development Officer by respondent no. 2 and condition was imposed in the order that the said ad-hoc promotion is being provide to the petitioner for a period till 28.02.1991. In the mean time the petitioner was also sent for training and she has completed

the training. However, by impugned order dated 23.02.1991, the petitioner was reverted back to her post of Mykhiya Sevaka (Supervisor).

The contentions of learned counsel for the petitioner is that the persons who were provided ad-hoc promotion on 15.11.1990 and at present they are working in the State of U.P. have been regularized on the post of Child Development Officer. My attention was drawn towards order dated 04.06.2003 passed by Joint Director, Bal Vibhag Seva Avam Pusthav Yojana U.P., Lucknow, by which 20 person who were promoted alongwith petitioner and reverted to the post of Mykhiya Sevaka vide order 23.2.1991 have been regularized. The aforesaid order will not help the petitioner as the same has been passed by another State.

She has further submitted that the posts of Child Development Officers are vacant in the State of Uttaranchal. Learned Counsel for the petitioner has further submitted that State of Uttaranchal has framed the Uttaranchal Regularization of Ad-hoc Appointments (on posts within the purview of the Public Service Commission) Rules, 2002. The petitioner is entitled for being regularized under the aforesaid Rules as has been done by State of U.P. under the Rules of regularization framed on 20.12.2001. He has further submitted that the person juniors to the petitioner have been given regular promotion on the post of Child Development Officers. The petitioner is the senior most supervisor. The respondent No.2 has reverted the petitioner to the post of the Supervisor vide order dated 23.02.1991, which was stayed by Allahabad High Court & the petitioner is continuously working on the post of Child Development Officer.

In the aforesaid circumstances, it is just and proper to direct the petitioner to make representation before appropriate authority within a period of two weeks and it is expected that authority concerned shall take a decision on the representation of the

petitioner within a period of four months from the date of production of certified copy of this order.

While taking decision, the competent authority shall consider the Uttaranchal Regularization Ad-hoc Appointments (on posts within the purview of the Public Service Commission) rules, 2002 and shall also consider the facts that juniors to the petitioner have been given regular promotion on the post Child Development Officer.

With these directions, the writ petition is disposed of finally.

18.04.2006 **(M.M. Ghildiyal, J.)**

***Jain***